

SENATE BILL 374
CONSTITUTIONAL AMENDMENT

Unofficial Copy
D2

2003 Regular Session
3r1333

By: **Senators Mooney, Harris, Jacobs, and Schrader**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment - Vacancy in Office of State's Attorney -**
3 **Appointee Named by County Central Committee**

4 FOR the purpose of proposing an amendment to the Constitution of Maryland to alter
5 the appointment of a State's Attorney during a vacancy in the office of a State's
6 Attorney; repealing the authority of a certain judge or judges to appoint a person
7 to a vacancy in an office of State's Attorney under certain circumstances;
8 requiring the Governor to appoint a certain person named by a certain Central
9 Committee of a political party to fill a vacancy in the office of State's Attorney
10 under certain circumstances; requiring certain procedures for the submission of
11 a name of a certain person to the Governor by a certain Central Committee of a
12 political party; requiring the Governor to appoint a certain person to the office of
13 State's Attorney within a certain time under certain circumstances; establishing
14 the term for which an appointment to an office of State's Attorney applies;
15 submitting this amendment to the qualified voters of the State of Maryland for
16 their adoption or rejection; and generally providing for an amendment to the
17 Constitution of Maryland to modify the appointment of a certain person to a
18 vacancy in the office of State's Attorney.

19 BY proposing an amendment to the Constitution of Maryland
20 Article V - Attorney-General and State's Attorneys
21 Section 11

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
24 concurring), That it be proposed that the Constitution of Maryland read as follows:

25 **Article V - Attorney-General and State's Attorneys**

26 11.

27 (A) In case of a vacancy in the office of State's Attorney, or of [his] THE
28 STATE'S ATTORNEY'S removal from the county or city in which [he] THE STATE'S
29 ATTORNEY shall have been elected, or on [his] THE STATE'S ATTORNEY'S conviction
30 as herein specified, [the Judge or Judges resident in the county or, if there be no
31 resident Judge, the Judge or Judges having jurisdiction in the Circuit Court of the

1 county in which the vacancy occurs, or by the Supreme Bench of Baltimore City for a
2 vacancy occurring in Baltimore City, shall appoint a person to fill the vacancy for the
3 residue of the term] THE GOVERNOR SHALL FILL THE VACANCY BY APPOINTING A
4 PERSON WHOSE NAME SHALL HAVE BEEN SUBMITTED TO THE GOVERNOR, IN
5 WRITING AND WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE
6 CENTRAL COMMITTEE OF THE POLITICAL PARTY IN THE COUNTY FROM WHICH THE
7 STATE'S ATTORNEY WAS APPOINTED OR ELECTED WITH WHICH THE VACATING
8 STATE'S ATTORNEY HAD BEEN AFFILIATED AT THE TIME OF THE VACATING STATE'S
9 ATTORNEY'S LAST ELECTION OR APPOINTMENT. THE GOVERNOR SHALL MAKE THE
10 APPOINTMENT WITHIN 15 DAYS AFTER THE SUBMISSION OF THE PERSON'S NAME TO
11 THE GOVERNOR.

12 (B) IF A NAME IS NOT SUBMITTED BY THE CENTRAL COMMITTEE WITHIN 30
13 DAYS AFTER THE OCCURRENCE OF THE VACANCY, THE GOVERNOR, WITHIN
14 ANOTHER PERIOD OF 15 DAYS, SHALL APPOINT A PERSON WHO SHALL BE
15 AFFILIATED WITH THE SAME POLITICAL PARTY AS WAS THAT OF THE VACATING
16 STATE'S ATTORNEY AT THE TIME OF THE VACATING STATE'S ATTORNEY'S LAST
17 ELECTION OR APPOINTMENT AND WHO IS OTHERWISE PROPERLY QUALIFIED TO
18 HOLD THE OFFICE OF STATE'S ATTORNEY IN THE COUNTY.

19 (C) WHEN ANY PERSON IS APPOINTED TO THE POSITION OF STATE'S
20 ATTORNEY IN ACCORDANCE WITH SUBSECTION (A) OR (B) OF THIS SECTION, THE
21 APPOINTMENT SHALL BE FOR THE UNEXPIRED TERM OF THE PERSON WHOSE
22 OFFICE HAD BECOME VACANT.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
24 determines that the amendment to the Constitution of Maryland proposed by this Act
25 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
26 Constitution concerning local approval of constitutional amendments do not apply.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
28 proposed as an amendment to the Constitution of Maryland shall be submitted to the
29 legal and qualified voters of this State at the next general election to be held in
30 November, 2006 for their adoption or rejection in pursuance of directions contained in
31 Article XIV of the Constitution of this State. At that general election, the vote on this
32 proposed amendment to the Constitution shall be by ballot, and upon each ballot
33 there shall be printed the words "For the Constitutional Amendment" and "Against
34 the Constitutional Amendment," as now provided by law. Immediately after the
35 election, all returns shall be made to the Governor of the vote for and against the
36 proposed amendment, as directed by Article XIV of the Constitution, and further
37 proceedings had in accordance with Article XIV.